

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRIAN A., et al.)	
)	
Plaintiffs,)	Civ. Act. No. 3:00-0445
)	Judge Todd J. Campbell
v.)	Magistrate Judge Joe B. Brown
)	
BILL HASLAM, et al.)	
)	
Defendants.)	

**SECOND JOINT NOTICE PURSUANT TO THE COURT’S ORDER
DATED JANUARY 28, 2013 (DKT NO. 474)**

By Order entered January 28, 2013, the Court directed that counsel file with the Court a Notice regarding compliance with paragraph one of the Joint Stipulation Concerning Plaintiffs’ Motion for Access to Information Regarding Child Fatalities Necessary to Ensure Compliance with the *Brian A.* Exit Plan (the “Stipulation”), by February 4, 2013. (Dkt. Nos. 473, 474.) On February 4, 2013, the parties filed a Joint Notice Pursuant to the Court’s Order Dated January 28, 2013 (Dkt. No. 476) (the “February 4 Notice”), and stated that they would file a further status Notice on February 20, 2012. The parties hereby provide this Notice to the Court of the following information regarding DCS’s efforts to validate the accuracy of the numbers of fatalities during 2011 and 2012 of (1) class-member children, and (2) non-class-member children with a prior history of contact with DCS:

1. As they continue to discuss the issues in the Stipulation and the Court’s related orders in good faith, the parties and the Technical Assistance Committee (“TAC”)/Monitors agree that the sufficiency of Defendants’ efforts to identify and track the number of child

fatalities are already part of the revision of DCS's internal process for investigating child fatalities addressed in paragraph 2 of the Stipulation.

2. The TAC has agreed to and will assess the sufficiency of DCS's efforts, outlined in the February 4 Notice, to validate the accuracy of the numbers of child fatalities during 2011 and 2012 as part of its role in revising the DCS internal process for investigating child fatalities, provided for by paragraph 2 of the Stipulation. This will include determining whether additional sources of data need to be searched and whether the searches performed in data sources identified in the February 4 Notice are sufficient.
3. The TAC's role under paragraph 2 of the Stipulation includes the DCS process for tracking and identifying child fatalities going forward.
4. Defendants will promptly inform Plaintiffs and provide the TAC with all DCS internal investigation documents concerning any fatalities for 2011 and 2012 covered by the Stipulation but not previously identified, if any.
5. The parties will provide an update to the Court concerning this Notice in their Notice as to compliance with paragraph 2 of the Stipulation to be filed with the Court on April 25, 2013, pursuant to the Court's Order dated January 28, 2013. (Dkt. No. 474.)

Nothing herein prevents the parties from requesting a hearing or filing relevant information with the Court.

DATED: February 20, 2013
Nashville, TN

APPROVED FOR ENTRY:

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/s/ Ira Lustbader

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